

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN MELENDEZ, et al.,) Case No.: 1:20-cv-01393 DAD JLT
Plaintiffs,)
v.) ORDER TO PLAINTIFF TO SHOW CAUSE WHY
DIAZ, et al.,) SANCTIONS SHOULD NOT BE IMPOSED FOR
Defendants.) THE FAILURE TO COMPLY WITH THE
) COURT'S ORDERS AND TO PROSECUTE THIS
) ACTION; ORDER CONTINUING SCHEDULING
) CONFERENCE
)

The plaintiffs initiated this action on September 28, 2020. (Doc. 1) The next day, the Court issued the summonses (Doc. 3) and its order setting the mandatory scheduling conference to occur on September 23, 2020. (Doc. 4) In its order setting the mandatory scheduling conference, the Court advised counsel:

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint. Failure to timely serve summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

(Doc. 4 at 1) Despite this, the plaintiffs have not filed proofs of service of the summons and complaint and no defendant has appeared in the action. Therefore, the Court **ORDERS**,

1. **No later than December 22, 2020**, the plaintiffs **SHALL** show cause why sanctions should not be imposed for the failure to serve the summonses and complaint and file proofs of service.

Alternatively, the plaintiffs may file proofs of service;

2. Due the failure of any defendant to appear and the lack of proofs of service which would prevent entry of default, the scheduling conference is **CONTINUED** to February 22, 2021 at 8:30 a.m.

Plaintiffs are reminded of the service obligations under Fed. R. Civ. P. 4. Failure to comply may result in the imposition of sanctions, including the Court sua sponte dismissing unserved defendants.

IT IS SO ORDERED.

Dated: December 7, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE